

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AR BUTUS BIOPHARMA CORPORATION)
and GENEVANT SCIENCES GmbH,)
)
Plaintiffs,)
)
v.) C.A. No. 22-252 (MSG)
)
MODERNA, INC. and MODERNATX, INC.)
)
Defendants.)

**DEFENDANTS' MOTION AND [PROPOSED] ORDER TO SEAL
PORTIONS OF THE JOINT CLAIM CONSTRUCTION BRIEF AND THE
JOINT CLAIM CONSTRUCTION APPENDIX**

Pursuant to the Protective Order (D.I. 91) as modified by the Court's November 14, 2023 Order (D.I. 155), Defendants Moderna, Inc. and ModernaTX, Inc. ("Moderna") respectfully move this Court for an order granting leave to file partially redacted versions of the following documents:

- Joint Claim Construction Brief (D.I. 170) (sealed);
- Exhibit 77 in the Joint Claim Construction Appendix (D.I. 171) (sealed); and
- Exhibit 81 in the Joint Claim Construction Appendix (D.I. 171) (sealed)
(collectively, the “Confidential Materials”).

Moderna’s motion and supporting papers redact for Moderna’s confidential information. The Confidential Materials either include, or reference and/or quote, Moderna’s sensitive and confidential information. The grounds for the motion are set forth in Moderna’s brief in support of this motion, as well as the declaration of Peter Wojciechowski filed herewith. Redacted versions of the exhibits will be filed separately on the docket.

WHEREFORE, Moderna respectfully requests that the Court grant Moderna's motion and enter the enclosed order permitting Moderna to file redacted versions of the above documents.

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/s/ Travis J. Murray

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December 26, 2023

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AR BUTUS BIOPHARMA CORPORATION)
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v.) C.A. No. 22-252 (MSG)
MODERNA, INC. and MODERNATX, INC.)
Defendants.)

[PROPOSED] ORDER

The Court, having considered Moderna’s Motion to Seal (the “Motion”), IT IS HEREBY ORDERED this __ day of _____, 2023 that the Motion is GRANTED.

Leave is given for Moderna to file the following documents in redacted form:

- Joint Claim Construction Brief (D.I. 170) (sealed);
- Exhibit 77 in the Joint Claim Construction Appendix (D.I. 171) (sealed); and
- Exhibit 81 in the Joint Claim Construction Appendix (D.I. 171) (sealed).

United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on December 26, 2023, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on December 26, 2023, upon the following in the manner indicated:

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